

## INTERFERENCE DIGEST

Interference No. 105,274

Paper No.

Name: Joseph P. Steiner, et al.

Serial No.: 09/873,298

Patent No.

Title: Rotamase enzyme activity inhibitors

Filed: 06/05/01

Interference with Armistead

### DECISION ON MOTIONS

Administrative Patent Judge, \_\_\_\_\_ Dated, \_\_\_\_\_

---

---

---

### FINAL DECISION

Board of Patent Appeals and Interferences, \_\_\_\_\_ Dated, \_\_\_\_\_

---

Court, \_\_\_\_\_ Dated, \_\_\_\_\_

### REMARKS

---

---

---

This should be placed in each application or patent involved in interference in addition to the interference letters.



# UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES  
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Judge James T. Moore  
Telephone: 571-272-9797  
Facsimile: 571-273-0042

MAILED

MAR 2 - 2005

PAT & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Applicants: STEINER  
Application No.: 09/873,298  
Filed: 06/05/01  
For: Rotamase enzyme activity inhibitors

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,274.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

JAMES T. MOORE  
Administrative Patent Judge

Filed by:  
James T. Moore  
Administrative Patent Judge  
Mail Stop Interference  
P.O. Box 1450  
Alexandria VA 22313-1450  
Tel: 571-272-9797  
Fax: 571-273-0042

Filed :  
March 2, 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
(Administrative Patent Judge James T. Moore)

---

David M. Armistead  
**Junior Party**  
(Patent 6,124,328)

v.

Joseph P. Steiner  
and  
Gregory S. Hamilton  
**Senior Party**  
(Application 09/873,298)

---

Patent Interference No. 105,274

---

**DECLARATION**

**Part A. Declaration of interference**

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application, patent, count and claims designated as corresponding or as not corresponding to the count appear in Parts E and F of this DECLARATION.

### **Part B. Judge managing the interference**

Administrative Patent Judge James T. Moore has been designated to manage the interference. 37 CFR § 41.104(a) [Bd. R. 104(a)].

### **Part C. Standing order**

A Trial Section STANDING ORDER [SO] accompanies this DECLARATION. The STANDING ORDER applies to this interference.

### **Part D. Initial conference call**

A telephone conference call to discuss the interference is set for **April 25, 2005 at 1:00 p.m. (the Board will initiate the call).**

**No later than two business days** prior to the conference call, each party shall file and serve by facsimile (SO ¶ 4.5) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶ 26) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a longer period.

## **Part E. Identification and order of the parties**

### Junior Party

Named inventors: David M. Armistead, Maynard, Massachusetts

Patent: 6,124,328, granted September 26, 2000

Title: Methods and Compositions for Stimulating Neurite Growth

Assignee: Vertex Pharmaceuticals, Incorporated  
40 Allston Street  
Cambridge, Massachusetts 02139

Accorded Benefit: 08/486,004, June 8, 1995 (now patent 5,654,332)

### Senior Party

Named Inventors: Joseph P. Steiner, Mount Airy, Maryland  
Gregory S. Hamilton, Catonsville, Maryland

Application: 09/873,298, filed June 5, 2001

Title: Rotamase Enzyme Activity Inhibitors

Assignee: GPI NIL Holdings, Inc.  
222 Delaware Avenue  
Wilmington, Delaware 19899

Accorded Benefit:

08/551,026, filed October 31, 1995

09/359,351, filed July 21, 1999 (now Patent 6,509,477)

08/693,003, filed August 6, 1996

08/479,436, filed June 7, 1995 (now Patent 5,614,547)

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1). The senior party is responsible for initiating settlement discussions. SO ¶ 18.

**Part F. Count and claims of the parties**

Count 1

A method according to claims 1, 4, or 12 of Patent 6,124,328

or

a method according to claim 44 of Application 09/873,298.

The claims of the parties are:

Armistead: Claims 1-13

Steiner: Claims 41, 42, 44, 45, 46, 47, 48 and 49.

The claims of the parties which correspond to Count 1 are:

Armistead: Claims 1-13

Steiner: Claims 41, 42, 44, 45, 46, 47, 48 and 49.

The claims of the parties which do not correspond to Count 1, and  
therefore are not involved in the interference, are:

Armistead: none

Steiner: none

**Part G. Heading to be used on papers**

The heading in SO Form 1 must be used on all papers filed in this interference. See SO ¶ 7.2.1. The administrative patent judge and parties must be indicated as follows:

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

(Administrative Patent Judge James T. Moore)

---

David M. Armistead

**Junior Party**

(Patent 6,124,328)

v.

Joseph P. Steiner

and

Gregory S. Hamilton

**Senior Party**

(Application 09/873,298)

---

Patent Interference No. 105,274

---

**Part H. Order form for requesting file copies**

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Part E of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

Enc:

Copy of STANDING ORDER  
Copy U.S. Patent 6,124,328  
Copy of claims of 09/873,298

Revised September 2004

cc (via overnight delivery):

Attorney for Armistead:

James F. Haley Jr., Esq.  
Fish and Neave/Ropes & Gray  
1251 Avenue of the Americas  
New York, NY 10020-1104  
Tel: (212) 596-9000  
Fax: (212) 596-9090

Attorney for Steiner:

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
901 New York Avenue, N.W.  
Washington, DC 20001-4413  
Tel: (202) 408-4000  
Fax: (202) 408-4400